

### REMARKS

The Office Action dated March 23, 2007 has been reviewed and carefully considered. Claims 1-13 are pending, with claims 1 and 12 being the only independent claims. Reconsideration of the above-identified application, as amended and in view of the following remarks, is respectfully requested.

The Examiner has objected to Figure 1 under 37 CFR 1.83(a) because "it fails to show the proper labels or legend corresponding to all blocks as described in the specification." In response, Applicant submits herewith, as Appendix A, an amended drawing which labels various structural detail of Fig. 1. Accordingly, Applicant respectfully requests that the objection be withdrawn.

Claims 1-13 stand rejected under 35 USC 102(b) as being anticipated by U.S. Pat. No. 5,956,453 (Hennig).

Applicant respectfully disagrees with, and explicitly traverses, the Examiner's reason for rejecting the claims.

In Paragraph 3 of the Office Action a "Note to Applicant" appears which describes how the use of "or" language in a claim is regarded by the USPTO as being anticipated by a reference containing one of the subsequent corresponding elements. Applicant respectfully submits that a claim which recites a feature in which a controller determines which one of two conditions is first met inherently requires that both conditions be evaluated. However, in the interests of furthering prosecution, Applicant

has amended each of the independent claims to specifically recite that the two conditions are evaluated prior to determining which has occurred first. In particular, Applicant has

amended claim 1 to state:  
PAGE 7/11 \* RCVD AT 5/22/2007 10:28:56 PM [Eastern Daylight Time] \* SVR:USPTO-EFXRP-3/5 \* DNIS:2738300 \* CSID:908 359 0328 \* DURATION (mm-ss):06-48

A recording arrangement (1) for the error-tolerant recording of an information signal (FS) of an information broadcast programmed for recording and identified by a broadcast identification (VPS-PI) and a broadcast start time (SBZ-PI), having receiving means (4) for receiving the information signal (FS) in which information broadcasts and associated broadcast identifications (VPS-SI) can be transmitted, and having

recording means (6) for recording the received information signal (FS) on a record carrier (8) in a recording mode of the recording arrangement (1), and having

recording control means (11) for evaluating the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected in the information signal (FS) and a recording start time (ABZ) of the programmed information broadcast being reached, which recording start time is reached a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast; and for activating the recording mode at the first occurrence of either the broadcast identification or the recording start time.

Thus, as amended, claim 1 (and corresponding claim 12) recites that recording commences when the first of the following evaluated events occurs:

- the broadcast identification (VPS-PI, VPS-SI) of the programmed information broadcast being detected
- a recording start time (ABZ) of the programmed information broadcast being reached

In addition, claim 1 recites that the recording start time (ABZ) is reached at a lead time interval (VZ) before the broadcast start time (SBZ-PI) of the programmed information broadcast. Thus as illustrated in Fig. 2, the present invention will start recording the "SPORT" program at 15:15 (reference ABZ column) even though its program scheduled time (SBZ-PI column) is 15:30. Moreover, this recording will occur even if the stored VPS code is in error, and the VPS-SI code is not detected in the information signal (FS).

Hennig teaches a videocassette recorder which includes VPS and VPT automatic programming which "continuously compares preprogrammed VPS data to incoming VPS time codes for the currently running program, and to VPS program schedule information" (Abstract).

Paragraph 3 of the Office Action points to "figure 6 and col. 3, lines 9-22" as well as Figure 4a as teaching the above described features of claim 1. Applicant respectfully disagrees as col. 3, lines 9-22 and Figure 4a merely describe the prior art as noted in paragraphs [0003] – [0005] of the published present invention. Fig. 6 of Henning relates to recording of a program ("Die Pyramide") having essentially an improper VPS code stored in the scheduler. As understood by Applicant, Fig. 6 teaches that when the broadcast of a program such as "Die Pyramide" occurs at its properly scheduled time (20:50), it will commence being recorded at that time (20:50) even if the transmitted VPS code disagrees with the stored code. Further, Hennig's controller 150 will "conclude that the VPS code for the currently running program is incorrect, and will replace it with the VPS code according to the schedule" (col. 7, lines 24-26).

Hennig fails to teach or suggest the feature of the present invention whereby recording will commence at a recording start time (ABZ) which is a lead time before the broadcast start time. That this feature of the invention is lacking is apparent in applying reviewing Hennig's algorithm of Fig. 6 to the situation in which a program is broadcast earlier than its scheduled time and with a VPS code error. In this situation Hennig, at a minimum, would not record the start of the program.

By way of example, paragraph [0041] of the present invention describes how the situation in which the "SPORT" program of Fig. 2 of the present invention is broadcast 5 minutes early with an incorrect VPS code. The present invention properly records the beginning of this program. Hennig would not. For as described above, if Die Pyramide was broadcast at 20:45 with an improper VPS code, Hennig would not take any action until 20:50, the time stored in his scheduler.

A claim is anticipated only if each and every element recited therein is expressly or inherently described in a single prior art reference. Hennig cannot be said to anticipate the present invention, because Hennig fails to disclose each and every element recited. Hennig fails to teach the use of a recording start time defined as a lead time interval before the broadcast start time of the programmed information broadcast. Further, Hennig fails to disclose the limitation of activating the recording mode as condition of such a determined recorded start, as recited in claim 1. Claim 12 contains similar features.

Having shown that Hennig fails to disclose each and every element claimed, Applicant submits that the reason for the Examiner's rejection of claims 1 and 12 have been overcome and can no longer be sustained. Applicant respectfully requests reconsideration, withdrawal of the rejections and allowance of claims 1 and 12.

With regard to claims 2-11 and 13, these claims ultimately depend from one of claims 1 and 12, which have been shown to be not anticipated and allowable in view of the cited references. Accordingly, claims 2-11 and 13 are also allowable by virtue of their dependence from an allowable base claim.

For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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